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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,410	09/23/2004	Peter Lurkens	DE 020081	8056

24737 7590 02/18/2009

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER	
AMADIZ, RODNEY	
ART UNIT	**PAPER NUMBER**
2629	
MAIL DATE	**DELIVERY MODE**
02/18/2009	PAPER

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/509,410
Filing Date: September 23, 2004
Appellant(s): LURKENS ET AL.

Eric M. Bram
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on December 22, 2008 appealing from the Office action mailed on July 21, 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5479187	Chen	12-1995
7034895	Okunuki et al.	4-2006
6739723	Haven et al.	5-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-3 and 5-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen (U.S. Patent 5,479,187—hereinafter "Chen") in view of Okunuki et al. (U.S. Patent 7,034,895—hereinafter "Okunuki").

As to **Claim 1**, Chen teaches a method for enhancing brightness and contrast in images provided by a projection-based presenter utilizing a display panel ***(Fig. 3a, 12)*** illuminated by at least one scrolling band of light ***(15)*** and a lamp ***(18)*** as a light source for said at least one scrolling band of light ***(See Figs. 3a-8)***, wherein said method comprises modulating the light output of said lamp ***(18)*** between different scrolling positions ***(See Figs. 3a-8 and note 22, which provides the different scrolling positions)***. Chen, however, fails to teach providing a higher light intensity by said lamp when parts of said display panel currently representing brighter parts of a respective image are illuminated by said at least one scrolling band of light than when parts of said display panel currently representing less bright parts of said image are illuminated by

said at least one scrolling band of light, wherein relative brightness of the parts of said image is determined from the maximum brightness in the parts of said image. Examiner cites Okunuki to teach a projection display device ***(Figs. 1 and 11)*** providing a higher light intensity by said lamp when parts of said display panel currently representing brighter parts of a respective image are illuminated by said at least one light than when parts of said display panel currently representing less bright parts of said image are illuminated by said at least one light ***(Col. 3, line 62—Col. 4, line 10)***, wherein relative brightness of the parts of said image is determined from the maximum brightness in the parts of said image ***(implicitly suggested: Col. 3, line 62—Col. 4, line 10 and Col. 6, lines 52-59)***. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the teachings of Okunuki (i.e. adjusting the lamp depending on the image data) in the projection-based presenter as taught by Chen in order to achieve greater contrast.

As to **Claim 2**, Chen as modified by Okunuki, teaches that the average light intensity over time supplied by said lamp for an entire image is kept constant ***(Okunuki—Col. 4, line 1—Col. 5, line 19)***. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to apply an average light intensity over time supplied by the lamp for an entire image as taught by Okunuki in the projection-based presenter taught by Chen in order to conserve energy.

As to **Claims 3/1 and 3/2**, Chen teaches that said projection-based presenter utilizes at least one vertically scrolling band of light ***(See Figs. 3a-8, note 15)***. The combination of Chen and Okunuki yields that the intensity supplied by said lamp is

adjusted for each horizontal line. Note that Chen teaches vertically scrolling per horizontal line ***(Abstract)***. Furthermore, note that Okunuki teaches adjusting the intensity per image data ***(Col. 3, line 62—Col. 4, line 10)***.

As to **Claim 5**, Chen fails to teach that the said light output of said lamp (3) is modulated by varying the power supplied to said lamp (3). Examiner cites Okunuki to teach that the said light output of said lamp (3) is modulated by varying the power supplied to said lamp (3) ***(Fig. 1, Reference Number 5 and Col. 6, lines 7-9)***. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the teachings of Okunuki (i.e. varying the power of the lamp) in the projection-based presenter as taught by Chen in order to conserve energy.

As to **Claim 6**, Chen teaches that said display panel (5) comprises adjustable apertures arranged in a matrix of rows and columns, and wherein changing fractions of said rows are illuminated by said at least one scrolling band of light. ***(See Fig. 3 and note LCD panel 12 and electrodes 12d and See Abstract and Col. 5, lines 7-53)***.

As to **Claim 7**, Chen teaches that the maximum aperture in each of said rows is adjusted to 100%, and wherein the other apertures of each of said rows are adapted such that a non-distorted brightness reproduction is maintained in each row ***(See Abstract and Col. 5, lines 7-53—note that the maximum aperture is adjusted to 100% when the scanning electrodes 12d are actuated)***.

As to **Claim 8**, Chen teaches adjusting the apertures of said display panel (5) for each scrolling position in accordance with said image in a way that the maximum aperture is 100% ***(See Abstract and Col. 5, lines 7-53—note that the maximum***

aperture is adjusted to 100% when the scanning electrodes 12d are actuated). Chen, however, fails to teach determining the maximum brightness of an image that is to be projected in each scrolling position; determining for each scrolling position the relative power which has to be provided to said lamp (3) for achieving said determined maximum brightness with said maximum aperture of 100% while maintaining the relation to the brightness of the other image parts; scaling the overall power level such that the average power of the lamp corresponds to a rated power level. Examiner cites Okunuki to teach determining the maximum brightness of an image that is to be projected in each scrolling position ***(implicitly suggested: Col. 3, line 62—Col. 4, line 10 and Col. 6, lines 52-59)***; determining for each scrolling position the relative power which has to be provided to said lamp (3) for achieving said determined maximum brightness with said maximum aperture of 100% while maintaining the relation to the brightness of the other image parts ***(Okunuki—Col. 6, lines 7-11 and Col. 7, lines 10-15 see also Fig. 4 and Col. 9, line 20—Col. 12, line 45)***; scaling the overall power level such that the average power of the lamp corresponds to a rated power level ***(Col. 6, lines 7-9 and 52-64 and Col. 7, lines 10-15)***. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the teachings of Okunuki (i.e. determining the maximum brightness of a screen, determining the relative power to achieve the maximum brightness and scaling the overall power level) in the projection-based presenter taught by Chen in order to consume less power.

As to **Claim 9**, Chen, as modified by Okunuki, teaches a projection based presenter (Chen, see Fig. 3) utilizing a display illuminated by at least one scrolling band

of light, which presenter comprises means (2,3,4,5,6,8) for carrying out the steps of claim 1 ***(Chen, See Fig. 3 and see the rejection of Claim 1)***.

As to **Claim 10**, Chen teaches a projection based presenter comprising a display panel (5) ***(Fig. 3, 12)*** with adjustable apertures arranged in horizontal lines ***(Col. 5, lines 7-53)***; a lamp (3) ***(18)*** for providing light for a projection; a scanner (4) ***(22)*** for directing said light output by said lamp (3) to said display panel (5) in subsequent horizontal bands ***(See Figs. 3a-8)***; a lens ***(14)*** (6) for projecting an image provided by said display panel (5); and an image processor (8) for receiving an image that is to be projected ***(Abstract and Col. 4, lines 10-25 and Col. 5, lines 7-53)*** and for controlling the size of said adjustable apertures of said display panel (5) according to a received image ***(Abstract and Col. 5, lines 7-53)***. Chen, however, fails to teach power supply means (1,2) for providing said lamp with an adjustable power and an image processor for controlling the power supply (2) to said lamp. Examiner cites Okunuki to teach a power supply means (1,2) ***(Fig. 1, 5)*** for providing said lamp with an adjustable power ***(Col. 6, lines 7-9)*** and an image processor (7) for controlling the power supply (2) to said lamp ***(Col. 6, lines 7-12)***. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate a power supply means, controlled by an image processor as taught by Okunuki in the projection-based presenter taught by Chen in order to conserve energy.

As to **Claim 11**, Chen teaches that said lamp is a high pressure gas discharge lamp (3) ***(Col. 4, lines 30-40)***.

As to **Claim 12**, Chen teaches an image processor for a projection-based presenter utilizing a display panel ***(Fig. 3a, 12)*** illuminated by at least one scrolling band of light ***(15)*** and a lamp ***(18)*** as a light source for said at least one scrolling band of light ***(15)*** having different scrolling positions ***(Figs. 3a-8)***. Chen, however, fails to teach means for determining relative brightness of parts of a respective image from the maximum brightness in the parts of said image; and means for controlling a power supply to said lamp in a way that a higher light intensity is supplied by said lamp when parts of said display panel currently representing brighter parts of a respective image are illuminated by said at least one light than when parts of said display panel currently representing less bright parts of said image are illuminated by said at least one light. Examiner cites Okunuki to teach a projection display device ***(Figs. 1 and 11)*** with means for determining relative brightness of parts of a respective image from the maximum brightness in the parts of said image ***(implicitly suggested: Col. 3, line 62—Col. 4, line 10 and Col. 6, lines 52-59)***; and means ***(Fig. 1, Reference Numbers 1-4 and 7)*** for controlling a power supply ***(5)*** to said lamp ***(6)*** in a way that a higher light intensity is supplied by said lamp when parts of said display panel currently representing brighter parts of a respective image are illuminated by said at least one light than when parts of said display panel currently representing less bright parts of said image are illuminated by said at least one light ***(Col. 3, line 62—Col. 4, line 10)***. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the teachings of Okunuki (i.e. adjusting the lamp with a

power supply depending on the image data) in the projection-based presenter as taught by Chen in order to achieve greater contrast.

As to **Claim 13**, Chen teaches a regulation and controlling system for a projection-based presenter utilizing a display panel ***(Fig. 3a, 12)*** illuminated by at least one scrolling band of light ***(15)*** and a lamp ***(18)*** as a light source for said at least one scrolling band of light ***(15)*** having different scrolling positions ***(Figs. 3a-8)***. Chen, however, fails to teach an image processor (8) determining the amount of power which has to be supplied to said lamp in order that a higher light intensity is supplied by said lamp (3) when parts of said display panel currently representing brighter parts of a respective image are illuminated by said at least one light than when parts of said display panel currently representing less bright parts of said image are illuminated by said at least one light. Examiner cites Okunuki to teach an image processor ***(Fig. 1, Reference Numbers 1-4 and 7)*** determining the power which has to be supplied to said lamp in order that a higher light intensity is supplied by said lamp when parts of said display panel currently representing brighter parts of a respective image are illuminated by said at least one light than when parts of said display panel currently representing less bright parts of said image are illuminated by said at least one light ***(Col. 3, line 62—Col. 4, line 10)***. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the teachings of Okunuki (i.e. adjusting the lamp with a power supply depending on the image data) in the projection-based presenter as taught by Chen in order to achieve greater contrast. Chen also fails to teach a lamp power regulator supplying said lamp with power, which

lamp power regulator adjusts the power supplied to said lamp according to the respectively required power determined by said image processor, wherein relative brightness of the parts of said image is determined from the maximum brightness in the parts of said image. Examiner cites Okunuki to teach a lamp power regulator ***(Fig. 1, reference numbers 3 and 5)*** supplying said lamp ***(6)*** with power, which lamp power regulator adjusts the power supplied to said lamp according to the respectively required power determined by said image processor ***(Col. 3, line 62—Col. 4, line 10 and Col. 5, line 55—Col. 7, line 44)***, wherein relative brightness of the parts of said image is determined from the maximum brightness in the parts of said image ***(implicitly suggested: Col. 3, line 62—Col. 4, line 10 and Col. 6, lines 52-59)***. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate the teachings of Okunuki (i.e. adjusting the lamp with a power supply depending on the image data) in the projection-based presenter as taught by Chen in order to achieve greater contrast.

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen and Okunuki as applied to claims 1-3 and 5-13 above, and further in view of Haven et al. (U.S. Patent 6,739,723--hereinafter "Haven").

As to **Claim 4**, Chen, as modified by Okunuki, fails to teach that said display panel (5) is illuminated by three scrolling bands of light of different colours. Examiner cites Haven to teach a display panel ***(Fig. 7, 120)*** that is illuminated by the scrolling bands of light of different colours ***(See Fig. 7 and Col. 11, lines 45-65)***. At the time the

invention was made, it would have been obvious to a person of ordinary skill in the art to incorporate a three scrolling bands of light of different colours as taught by Haven in the projection-based presenter as taught by Chen, as modified by Okunuki, in order to form a full color image ***(Haven—Col. 11, lines 45-65)***.

(10) Response to Argument

Appellant's Argument:

A.

"The Appellants respectfully assert that the *Chen* patent and the *Okunuki* patent, alone or in combination, fail to disclose, teach or suggest each and every element of the Appellants' invention as claimed, as required to maintain a rejection under 35 U.S.C. §103(a). The *Chen* patent and the *Okunuki* patent fail to disclose:

a method for enhancing brightness and contrast in images wherein relative brightness of the parts of said image is determined from the maximum brightness in the parts of said image, as recited in independent claim 1;

an image processor including means for determining relative brightness of parts of a respective image from the maximum brightness in the parts of said image, as recited in amended independent claim 12; or

a regulation and controlling system for a projection-based presenter wherein relative brightness of the parts of said image is determined from the maximum brightness in the parts of said image, as recited in amended independent claim 13.

At most, the *Okunuki* patent discloses detecting the average luminance level for one frame (or one field) of the video signal, and outputting an amplification coefficient depending on the detected average luminance level. The APL detection circuit obtains the average picture level (APL) of the luminance level of the video area in the entire video signals of one frame (or field). These operations are, for example, realized using a well-known integrator circuit. *See* Abstract; column 6, lines 52-64. In the Response to Arguments section on Page 10 of the Office Action dated July 21, 2008, the Examiner asserted that the *Okunuki* patent must find the maximum and minimum luminance levels to obtain the average luminance level, so that the *Okunuki* patent implicitly uses the maximum value to determine the relative brightness of the parts. The Appellants respectfully disagree. While the maximum and minimum luminance levels in the *Okunuki* patent are data points that enter into calculation of the APL, the *Okunuki* patent uses the maximum luminance level for nothing further. All the data points over the frame are summed, such as by using the disclosed well-known integrator circuit. The magnitude of the maximum luminance level only has a minimal effect on the APL and fails to determine anything, let alone the relative brightness as claimed. The *Okunuki* patent treats the maximum luminance level as just another data point." ***(Appeal Brief, Pgs. 13 and 14)***.

Examiner's Response to Argument "A":

The Appellant's first argument is that Okunuki does not teach "relative brightness". The Examiner respectfully disagrees, Okunuki states the following:

"The video signal shown in Fig. 2 is a signal in a video area corresponding to one scanning line, and the video signal input circuit 1 clamps the signal of the video area at a reference level (in this embodiment, a pedestal level). The clamp by the video signal input circuit 1 is performed on each of the signals in the video are corresponding to each scanning line.

The APL detection circuit 2 extracts the luminance level of the video area for **each of the signals of the video area corresponding to each scanning line**...and obtains the average picture level (APL) of the luminance level of the video area in the entire video signals of one frame (or field)" (Emphasis added, Col. 6, lines 44-57).

Okunuki clearly teaches that a luminance level is obtained for each scanning line. The luminance level in each scanning line corresponds to the "relative brightness" as claimed by the Appellant. Furthermore, it can be said that one frame (or field) incorporates all the scanning lines, and since the luminance level is detected for each scanning line then a relative brightness is implicitly taught.

The Appellant also argues that Okunuki fails to teach that the relative brightness of parts of said image is determined from the maximum brightness. The Examiner respectfully disagrees. Okunuki states the following:

"level control means for detecting average brightness of the displayed image according to the video signal, and controlling the level of the reference signal output from the light quantity control means depending on the detected brightness (Col. 4, lines 4-8)."

In order to obtain an average luminance, all luminance values, that is, the maximum luminance value, the minimum luminance value and all luminance values in between are taken into consideration in order to obtain an average luminance. The claim states that the "relative brightness…is determined from the maximum brightness". Okunuki meets this limitation since he uses the average luminance, which inherently must incorporate a maximum brightness. Furthermore, the claim does not state that the relative brightness is determined exclusively from the maximum brightness, nor does the claim state that the relative brightness is determined only from the maximum brightness (Emphasis added). Since neither of those limitations are claimed, the Examiner has broadly interpreted that the average luminance incorporates a maximum brightness and therefore implicitly helps (even if in a small way) to determine the relative brightness. The Examiner believes that the Appellant, to some extent, agrees with this logic, since he states that "the maximum and minimum luminance levels in the *Okunuki* patent are data points that enter into calculation of the APL… The magnitude of the maximum luminance level only has a minimal effect on the APL …The *Okunuki* patent treats the maximum luminance level as just another data point." (Emphasis added—Appeal Brief, Pg. and 14).

Appellant's Argument:

B. Okunuki fails to disclose that the average light intensity over time supplied by said lamp (3) for an entire image is kept constant (Pg. 16).

Examiner's Response to Argument "B":

The Examiner respectfully disagrees. Okunuki discloses that the average light intensity over time for an entire image is kept constant (See Col. 4, line 1—Col. 5, line 19—note that the average luminance is used for each frame or field and that a frame is the equivalent to an "entire image"). Note that Chen teaches the lamp and thus the resultant combination of Chen and Okunuki teaches the claimed subject matter.

Appellant's Argument:

C. Okunuki fails to disclose the light intensity supplied by said lamp (3) is adjusted for each horizontal line (Pg. 16).

Examiner's Response to Argument "C":

The Examiner respectfully disagrees. The resulting combination of Chen and Okunuki discloses that the light intensity supplied by said lamp (3) is adjusted for each horizontal line. In the abstract, Chen discloses that light is directed towards each horizontal line in vertical scrolling direction in a step wise manner and that the backlight only illuminates the horizontal line of scanning electrodes which is turned on. Okunuki teaches that the luminance is adjusted per image data (Col. 3, line 62—Col. 4, line 10). Therefore, it can be seen that when Chen utilizes the driving luminance method of Okunuki, the resulting combination will yield the subject matter claimed in claim 3.

Appellant's Argument:

D. Chen fails to disclose that the disclose the maximum aperture in each of said rows is adjusted to 100%, and the other apertures of each of said rows are adapted such that a non-distorted brightness reproduction is maintained in each row, as claimed (Pg. 16).

Examiner's Response to Argument "D":

The Examiner respectfully disagrees. Chen teaches that as each horizontal linear array of first scanning electrodes is turned "ON" light is directed towards them (see Abstract). Each horizontal linear array may be in one of two positions, that is, on or off. The "ON" position requires the horizontal lines to be actuated and to have an aperture of 100% (i.e. light is allowed to pass through the horizontal line). The "OFF" position does not let light pass through; therefore, the aperture is closed. Hence, the maximum aperture in each row is 100%. Furthermore, Chen teaches that "Other portions of the LCD panel 12 which are not transparent (i.e. "ON") and thus do not contain video image information do not receive any light and thus do not contribute to background brightness resulting in improved video image contrast" (Chen, Col. 5, lines 40-44). Therefore it can be seen that the other apertures of each of said rows are adapted such that non-distorted brightness reproduction is maintained. (See also Chen's Abstract and Col. 5, lines 7-53).

Appellant's Argument:

E. Okunuki fails to disclose determining the maximum brightness of an image that is to be projected in each scrolling position; adjusting the apertures of said display panel (5) for each scrolling position in accordance with said image in a way that the maximum

aperture is 100%; determining for each scrolling position the relative power which has to be provided to said lamp (3) for achieving said determined maximum brightness with said maximum aperture of 100% while maintaining the relation to the brightness of the other image parts; scaling the overall power level such that the average power of the lamp corresponds to a rated power level, as claimed. See the discussion of independent claims 1, 12, and 13 above.

Examiner's Response to Argument "E":

The Examiner respectfully disagrees. The Examiner has already addressed the issue of maximum brightness in the "Examiner's Response to Argument 'A'" and has address the issue pertaining to the maximum aperture of 100% in the "Examiner's Response to Argument 'D'". The Examiner cited Chen to teach that light is directed only to the horizontal linear array that is turned "ON" and that video image information is provided to the vertically aligned electrodes (See Abstract). The Examiner cited Okunuki to teach that the maximum brightness is obtained for each horizontal line (Col. 3, line 62—Col. 4, line 10 and Col. 6, lines 52-59). Therefore the combination of Chen's scrolling light and Okunuki's determination of maximum brightness per horizontal line meets the claimed limitation. Furthermore, the combination of Chen and Okunuki teaches determining for each scrolling position the relative power which has to be provided to said lamp (3) for achieving said determined maximum brightness with said maximum aperture of 100% while maintaining the relation to the brightness of the other image parts ***(Okunuki—Col. 6, lines 7-11 and Col. 7, lines 10-15 see also Fig. 4 and Col. 9, line 20—Col. 12, line 45)*** and scaling the overall power level such that the average power of the lamp

corresponds to a rated power level ***(Col. 6, lines 7-9 and 52-64 and Col. 7, lines 10-15)***.

Appellant's Argument:

F. *Chen fails to disclose an image processor (8) for receiving an image that is to be projected and for controlling the power supply (2) to said lamp (3) and the size of said adjustable apertures of said display panel (5) according to a received image.*

Examiner's Response to Argument "F":

The Examiner respectfully disagrees. Chen teaches an image processor for receiving an image that is to be projected ***(i.e. video image—See Fig. 1 and note that signal electrodes 47 receive a signal voltage Vs from the respective driver 40 and see Abstract and Col. 3, line 63—Col. 4, line 25 and Col. 5, lines 7-53)*** and controlling the size of said adjustable apertures of said display panel (5) according to a received image ***(i.e. the size being completely open (ON state) or completely closed (OFF state)—see also Abstract and Col. 5, lines 7-53)***. Chen did however fail to teach that the image processor controlled the power supply to the lamp. Examiner cited Okunuki to teach a power supply means ***(Fig. 1, 5)*** for providing said lamp with an adjustable power ***(Col. 6, lines 7-9)*** and an image processor for controlling the power supply (2) to said lamp ***(Col. 6, lines 7-12)***.

Appellant's Argument:

G. The Chen patent and the Okunuki patent fail to disclose a method for enhancing brightness and contrast in images wherein relative brightness of the parts of said image is determined from the maximum brightness in the parts of said image, as recited in amended independent claim 1.

Examiner's Response to Argument "G":

G. These issues have been addressed in the "Examiner's Response to Argument 'A'"

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Rodney Amadiz/
Examiner, Art Unit 2629

Conferees:

/Sumati Lefkowitz/
Supervisory Patent Examiner, Art Unit 2629

/Amr Awad/

Supervisory Patent Examiner, Art Unit 2629